

Passed by the House on May 4, 2015: Yeas 140, Nays 0, 1 present, not voting; passed by the Senate on May 22, 2015: Yeas 30, Nays 1.

Approved June 16, 2015.

Effective June 16, 2015.

**SUITS BROUGHT BY LOCAL GOVERNMENTS FOR  
VIOLATIONS OF CERTAIN LAWS UNDER THE  
JURISDICTION OF, OR RULES ADOPTED OR ORDERS OR  
PERMITS ISSUED BY, THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY; AFFECTING CIVIL PENALTIES**

**CHAPTER 543**

H.B. No. 1794

**AN ACT**

**relating to suits brought by local governments for violations of certain laws under the jurisdiction of, or rules adopted or orders or permits issued by, the Texas Commission on Environmental Quality; affecting civil penalties.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 7.107, Water Code, is amended to read as follows:

Sec. 7.107. **DIVISION OF CIVIL PENALTY.** Except in a suit brought for a violation of Chapter 28 of this code or of Chapter 401, Health and Safety Code, a civil penalty recovered in a suit brought under this subchapter by a local government shall be ~~equally~~ divided as follows ~~[between]~~:

(1) *the first \$4.3 million of the amount recovered shall be divided equally between:*

(A) the state; and

(B) ~~[(2)]~~ the local government that brought the suit; and

(2) *any amount recovered in excess of \$4.3 million shall be awarded to the state.*

SECTION 2. Subchapter H, Chapter 7, Water Code, is amended by adding Sections 7.359 and 7.360 to read as follows:

Sec. 7.359. **FACTORS TO BE CONSIDERED IN DETERMINING AMOUNT OF CIVIL PENALTY.** *In determining the amount of a civil penalty to be assessed in a suit brought by a local government under this subchapter, the trier of fact shall consider the factors described by Section 7.053.*

Sec. 7.360. **LIMITATIONS.** *A suit for a civil penalty that is brought by a local government under this subchapter must be brought not later than the fifth anniversary of the earlier of the date the person who committed the violation:*

(1) *notifies the commission in writing of the violation; or*

(2) *receives a notice of enforcement from the commission with respect to the alleged violation.*

SECTION 3. The changes in law made by this Act apply only to a violation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

Passed by the House on April 28, 2015: Yeas 108, Nays 36, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1794 on May 22, 2015: Yeas 116, Nays 17, 3 present, not voting; passed by the Senate, with amendments, on May 20, 2015: Yeas 24, Nays 6.

Approved June 16, 2015.

Effective September 1, 2015.

**PROVISION OF TELEMEDICINE MEDICAL SERVICES IN A  
SCHOOL-BASED SETTING, INCLUDING THE  
REIMBURSEMENT OF PROVIDERS UNDER THE MEDICAID  
PROGRAM FOR THOSE SERVICES**

**CHAPTER 544**

H.B. No. 1878

**AN ACT**

**relating to the provision of telemedicine medical services in a school-based setting,  
including the reimbursement of providers under the Medicaid program for those  
services.**

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 531.0217, Government Code, is amended by adding Subsections (c-4) and (g-1) and amending Subsection (g) to read as follows:

*(c-4) The commission shall ensure that Medicaid reimbursement is provided to a physician for a telemedicine medical service provided by the physician, even if the physician is not the patient's primary care physician or provider, if:*

- (1) the physician is an authorized health care provider under Medicaid;*
- (2) the patient is a child who receives the service in a primary or secondary school-based setting;*
- (3) the parent or legal guardian of the patient provides consent before the service is provided; and*
- (4) a health professional is present with the patient during the treatment.*

*(g) If a patient receiving a telemedicine medical service has a primary care physician or provider and consents or, if appropriate, the patient's parent or legal guardian consents to the notification, the commission shall require that the primary care physician or provider be notified of the telemedicine medical service for the purpose of sharing medical information. In the case of a service provided to a child in a school-based setting as described by Subsection (c-4), the notification, if any, must include a summary of the service, including exam findings, prescribed or administered medications, and patient instructions.*

*(g-1) If a patient receiving a telemedicine medical service in a school-based setting as described by Subsection (c-4) does not have a primary care physician or provider, the commission shall require that the patient's parent or legal guardian receive:*

- (1) the notification required under Subsection (g); and*
- (2) a list of primary care physicians or providers from which the patient may select the patient's primary care physician or provider.*

**SECTION 2.** If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

**SECTION 3.** This Act takes effect September 1, 2015.

Passed by the House on May 8, 2015: Yeas 141, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2015: Yeas 30, Nays 1.

Approved June 16, 2015.

Effective September 1, 2015.